

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No.93 of 2007 (M/B)

1. R.C. Pal S/o Late Sri Het Ram,
R/o House No. D-56, Shivalik Nagar,
BHEL Ranipur, Haridwar,
Presently posted at P.S. Chilkana,
District Saharanpur (U.P.).
 2. Shivraj Singh S/o Sri Shyam Singh,
Presently posted at S.S.P. Office, Bijnore,
District Bijnore (U.P.).
 3. Subhash Singh S/o Sri Brahm Singh,
Presently posted S.S.I. at P.S. Sherkot,
District Bijnore (U.P.).
 4. Deepak Malik S/o Sri Raghuraj Singh,
presently posted S.S.I. at Kotwali Muzaffarnagar,
District Muzaffarnagar (U.P.).
 5. Mandhata Samrat S/o Sri Samrat Singh,
presently posted Inspector, Kotwali Agra,
District Agra (U.P.).
 6. Khajan Singh S/o Late Kanhai Singh,
presently posted at S.S.P. Office Bijnore,
District Bijore (U.P.).
 7. Raj Kumar S/o Sri Kalu Ram Dhiman,
presently posted at Police Line Meerut,
District Meerut (U.P.).
- Petitioners

Versus

1. State of Uttarakhand,
through Senior Superintendent of Police,
Haridwar, District Haridwar.
 2. Station House Officer,
P.S. Ranipur,
District Haridwar.
 3. Sri J.B. Singh, Deputy Manager (Estate),
BHEL Ranipur, P.S. Ranipur,
District Haridwar.
- Respondents

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Mr. Lok Pal Singh, Advocate for the petitioners.

Mr. G.S. Sandhu, Government Advocate for respondents Nos. 1 & 2.

Mr. V.K. Kohli, Senior Counsel with Mr. T.C. Pandey, Advocate for respondent No.3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.

Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Lok Pal Singh, Advocate for the petitioners.

Mr. G.S. Sandhu, Government Advocate for respondents Nos. 1 & 2.

Mr. V.K. Kohli, Senior Counsel with Mr. T.C. Pandey, Advocate for respondent No. 3.

They are heard.

2. The petitioners, seven in number, who all are police personnel, have filed this writ petition for the following reliefs:

“i) Issue a writ, order or direction in the nature of certiorari quashing the FIR dated 13.01.2007 in case crime no. 11 of 2007, U/s 447 of IPC, lodged at P.S. Ranipur, District Haridwar, contained annexure no. 1 to this writ petition.

ii) Issue a writ, order or direction in the nature of mandamus commanding and directing to the respondent Nos. 1 and 2 that they do not arrest the petitioners in the aforesaid case crime, during the pendency of the present writ petition.

iii) Issue any other relief, which this Hon’ble Court may deem fit and proper in the circumstances of the case be passed in favour of petitioners.

iv) Cost of the petition be awarded in favour of the petitioners.”

3. The petitioners are seeking quashing of the First Information Report lodged by respondent No. 3 leading to the registration of the case against the petitioners at Crime No. 11 of 2007 at Police Station Ranipur, District Haridwar for the alleged commission of the offence punishable under Section 447 of the I.P.C.

4. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report; and the facts narrated in the writ petition and the counter affidavit filed on behalf of respondent No. 3, we do not find any ground warranting quashing of the First Information Report and the case registered against the petitioners in view of the dictum of the Apex Court in the

Case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu & others**
reported in **JT 2007(4) SC 240**.

5. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioners' case at the trial, which the petitioners are yet to face.

6. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

7. Consequently, the interim order dated 24.01.2007 stands vacated automatically.

(J.C.S. Rawat, J.)
08.05.2007

(Raveej Gupta, C.J.)
08.05.2007

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